



## **Arlington Conservation Commission**

Date: October 17, 2019

Time: 7:30pm

Location: Second floor conference room, Town Hall Annex  
730 Massachusetts Ave, Arlington, MA

### **Minutes**

*Attendance: Commission Members David White, Nathaniel Stevens, Chuck Tirone, Susan Chapnick, Pam Heidell, and Dave Kaplan; Associate Commissioners Cathy Garnett and Mike Gildesgame; and Conservation Agent Emily Sullivan. Also present were Brad Barber and Dragutin Knezic. Commission Member Mike Nonni was not present.*

#### **09/05/2019 Meeting Minutes**

The Commission discussed edits to the draft minutes. S. Chapnick motioned to approve the minutes as edited, D. White seconded, all were in favor, motion approved.

#### **09/19/2019 Meeting Minutes**

The Commission discussed edits to the draft minutes. C. Tirone motioned to approve the minutes as edited, S. Chapnick seconded, all were in favor, motion approved.

#### **Approve 2020 Commission Meeting Calendar**

The Commission reviewed the proposed meeting calendar. D. Kaplan motioned to approve the 2020 meeting calendar, C. Tirone seconded, all were in favor, motion approved.

#### **Spy Pond Hatch Invoice #15 (\$6,101.54)**

The Commission reviewed the \$6,101.54 invoice. D. Kaplan motioned to approve the invoice, D. White seconded, all were in favor, motion approved.

#### **33 Arlmont Street Tree Damage**

E. Sullivan stated that a tree from conservation land damaged a private fence during the recent wind storms. The Tree Warden will remove the fallen tree. N. Stevens recommended contacting Town Counsel to determine the claim process through which the property owner could submit a damage claim.

## **Mugar Property Update**

N. Stevens provided an update regarding the appeal to the State Housing Appeals Committee which held a hearing from December 2018. The Housing Appeals Committee ruled that affordable housing does not occupy at least 1.5% of land area in Arlington. If it did, the Town would be relieved of some of the Chapter 40B permitting procedures. This means that the usual 40B procedure will apply for the proposed development at the Mugar property. The permitting process will be streamlined for possible developers such that the only permitting review required would be through the Zoning Board of Appeals. P. Heidell and N. Stevens recommended a peer review consultant to help with the ZBA and Conservation Commission on this proposed project moving forward.

## **Notice of Intent - 10 Sheraton Park**

DEP File Number: 091-0315

### *Documents Reviewed:*

- 1) *Notice of Intent package, dated 9/5/2019*
- 2) *10 Sheraton Park Plot Plan, not dated*
- 3) *C. engelmannii 2013 Orthophotograph, prepared by Oxbow Associates*
- 4) *10 Sheraton Park Conservation Plan, prepared by Rober Survey, dated 10/4/2019*
- 5) *Letter from Mass Wildlife NHESP, dated 9/25/2019*

### *Resource Areas:*

- 1) *Spy Pond*
- 2) *100-Foot Wetlands Buffer Zone*
- 3) *Adjacent Upland Resource Area*
- 4) *Bordering Vegetated Wetland*
- 5) *Bordering Land Subject to Flooding*
- 6) *1% Annual Chance Flood Hazard Floodplain*

T. Petryshen, who was calling in from California, presented the proposal. The project proposal includes removing a failing bank wall along Spy Pond and replacing it with stabilizing coir fascines. The project also includes vegetating native plantings along the bank. The vegetated mitigation buffer would be approximately 300 square feet, and 4-feet in depth. The project would require the removal of a juniper tree, which would be replaced per the Commission's tree replacement policy and which would also be supplemented with additional native plantings. T. Petryshen agreed to plant two replacement trees (2-3 inch dbh), rather than the required one replacement tree.

A 48 square foot shed was also proposed as part of this project. The shed is proposed to be located in the 75 to 100-foot section of the AURA. To mitigate for the increase in impervious surface, an additional 60 square foot vegetated mitigation area is proposed to be planted between the replacement trees and bank.

### *Public Comments*

B. Barber stated that although he supported the project, he was concerned that coir fascine logs were not a lasting solution to the eroding bank. B. Barber noted that the Spy Pond Edge and Erosion Control project also installed coir fascine logs. B. Barber suggested that the Town should decide on the best or most appropriate erosion control intervention for future projects and applications. C. Garnett stated that her buffer research project will provide more information about best practices for shoreline stabilization. B. Barber also stated that he hoped NHESP would support the project.

The Commission noted that the Property Deed information was missing from the NOI submittal and needs to be provided.

D. White motioned to close the public hearing, P. Heidell seconded, all were in favor, motion approved.

D. White motioned to approve the project under the Local Bylaw and State Wetlands Protection Act, C. Tirone seconded, all were in favor, motion approved.

P. Heidell stated that the purpose of this project was shoreline stabilization, which is a mitigation action. Since the project is predominantly a bank mitigation project, P. Heidell cautioned against applying excessive conditions to the project because of the work in the bank area. C. Tirone agreed with P. Heidell's comment.

The Commission deliberated and agreed to apply the following conditions in addition to the Commission's standard conditions to the project's approval Order of Conditions:

1. The Applicant shall replace all removed trees per the Town Wetlands Protection Regulations, Section 24 Vegetation Removal and Replacement. The Applicant shall replace the removed juniper tree with two 2-3 inch dbh trees from the list of recommended trees.
2. All native restoration and mitigation plantings shall be maintained for three years and invasive species removal implemented through this project shall be ongoing for three years. A survival rate of at least 80% must be maintained for the approved restoration and mitigation plantings. A monitoring report shall be submitted annually in November for the three year monitoring period and shall include the number and types of restoration plantings evaluated, condition of the plantings, and status of invasive plant removal. The Applicant must provide a monitoring report by a qualified consultant for survival of all approved plantings. The monitoring report must include measures to remove invasive species if they are discovered.
3. Any project changes recommended by the Mass Wildlife Natural Heritage and Endangered Species Program (NHESP) must be approved by the Conservation Commission. Project changes that require

Commission approval include project scope and construction method changes

4. If there are any plan modifications required due to NHESP review, the approximate sizes of the vegetated mitigation areas must remain the same. Therefore, any changes must accommodate a 300 square foot vegetated mitigation buffer along the bank and a 60 square foot vegetated mitigation area between the 75 and 100-foot section of the AURA.

#### **Notice of Non-Compliance: 12 Clyde Terrace**

DEP File Number: 091-0274

##### *Documents Reviewed:*

- 1) *Notice of Non-Compliance, dated 9/18/2019*
- 2) *Modification Request Approval for #091-0274, dated 1/8/2019*
- 3) *Plan to Accompany Modification in Arlington, MA #12 Clyde Terrace, dated 10/19/2018, revised 1/4/2019*

##### *Resource Areas:*

- 1) *100-Foot Wetlands Buffer Zone*
- 2) *Adjacent Upland Resource Area*
- 3) *Bordering Vegetated Wetland*

N. Stevens presented the lengthy and sometimes contentious history of the approved project at 12 Clyde Terrace. E. Sullivan reviewed the Notice of Non-Compliance for shed that was observed during a site inspection on 9/4/2019. The shed was not part of the approved modifications to the planting plan, which was approved on 1/8/2019.

C. Tirone asked what the shed's dimensions were. The property owner, Dragutin Knezic, said it is 8' x 10'. The property owner stated that the shed was placed where a few trees and bushes died, and that all other vegetation was relocated to the northwest corner of the backyard. S. Chapnick stated that all vegetation that died needs to be replaced, including 2 dead fir trees that were planted as part of the mitigation.

C. Tirone and P. Heidell noted that the shed was in the 0 - 25 foot limit of the AURA, which is not allowed to contain buildings or structures. N. Stevens stated that the 0 - 50 foot limit of the AURA is not allowed to contain buildings or structures per the regulations under which this project was approved.

The Commission discussed the options for the property owner to come into compliance. The Commission agreed that there are two possibilities through which the property owner can achieve compliance: 1) remove the shed, or 2) move the shed further from the resource area so that it is located between the 50 - 100 foot limit of the AURA. The Commission requested a removal or relocation proposal be submitted for the 11/7/2019 meeting.

**Notice of Intent: 1167R Massachusetts Ave**

DEP File Number: 091-0314

*Documents Reviewed:*

- 1) *Notice of Intent packet, dated 8/28/2019, revised 9/4/2019*

*Resource Areas:*

- 1) *Mill Brook*
- 2) *100-Foot Wetlands Buffer/Adjacent Upland Resource Area*
- 3) *200-Foot Riverfront Area*

At the request of the applicant, S. Chapnick motioned to continue the hearing to the 11/7/2019 meeting, D. White seconded, all were in favor, motion approved.

Meeting adjourned at 9:45pm.